



Atty Gen. Op. No. 10 - 1804

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DEPARTMENT OF JUSTICE  
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April 14, 2010

Ms. Elizabeth Scheinberg  
1 Boca Court  
Newark, DE 19702

Mr. John M. Young  
109 Cypress Dr.  
Newark, DE 19713

**RE: Freedom of Information Act Complaint  
Against Christina School District**

Dear Ms. Scheinberg and Mr. Young:

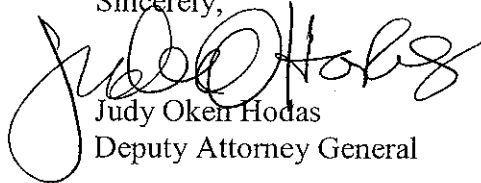
On March 11, 2010, the Delaware Department of Justice ("DDOJ") received your complaint alleging that the Christina School District Board of Education ("the Board") violated the Freedom of Information Act ("FOIA") by conducting a meeting on March 6, 2010 that was not properly noticed and failing to keep minutes of "Agenda Preparation Meetings" held by the Board on the Monday before the Board's regularly scheduled monthly public meeting. On March 12, 2010, the DDOJ forwarded your complaint to the Board, which promptly requested an extension of time in which to respond. We received its response on April 1, 2010.

In its response, the Board admits that the posted notice of the March 6 meeting did not include an agenda, as required by 29 *Del. C.* § 10004(e)(2), and commits to posting agendas for all Board meetings in the future. It also admits that it has not been keeping minutes of its agenda preparation meetings, as required by 29 *Del. C.* § 10004(f),

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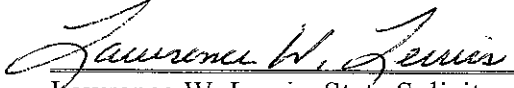
and represents that it will do so in the future. Because the Board meetings in question were all open to the public and were, in fact, attended by members of the public, and because no votes were taken at any of the meetings, there is no reason to require a remedial meeting of the Board. However, it appears from the Board's response to your complaint that the Board may be misconstruing FOIA's definition of a public meeting, which is not limited to meetings where "action is taken by the Board." We caution the Board to apply the requirements of FOIA to all meetings of a quorum, even when the Board meets informally to discuss public business. 29 *Del. C.* § 10002(b).

Sincerely,



Judy Oken Hodas  
Deputy Attorney General

Approved:



Lawrence W. Lewis, State Solicitor

cc: Katrina Barbour, Opinion Coordinator  
David. H. Williams, Esquire